

REMARKS

As shown above, Applicants have amended the claims so that former independent claim 2 now depends from claim 1, and so that most of the claims that previously depended from claim 2 now depend from claim 1. In view of these amendments, it is believed that there should now be two groups of claims, namely claims 1 to 16 (Group A) and claims 17 to 21 (Group B)¹. Applicants hereby elect the claims of Group B (Group III in the restriction requirement, namely method claims 17 to 21. This election is made with traverse for at least the following reasons.

This application is a PCT national stage application. As recognized on page 2 of the Office Action, the USPTO is required to follow PCT rules regarding unity of invention. In particular, the MPEP states:

Therefore, when the Office considers international applications as an International Searching Authority, as an International Preliminary Examining Authority, and during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. No change was made in restriction practice in United States national applications filed under 35 U.S.C. 111 outside the PCT. (emphasis added)

Applicants submit that there is unity of invention for this application under PCT Rules 13.1 and 13.2. PCT Rule 13.2 states

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

¹ The designations "Group A" and "Group B" are being used instead of "Group I" and "Group II" in order to avoid confusion with the three groups set forth in the restriction requirement.

In this regard, there is a relationship among the inventions of Groups A and B, which involve one or more of the same or corresponding special technical features. As stated in the rule, a special technical feature means “technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art”.

In this case, independent claim 1 of Group A recites that the first electrode has a first charge of a first polarity and a second electrode has a second charge of a second polarity, and that maximum values of the first charge and the second charge are substantially equal. Independent claim 17 of Group B recites obtaining maximum charges of the first and second electrodes relative the reference electrode, and adjusting the maximum charges so that the maximum charges are closer in magnitude. Thus, both the claims in Groups A and B are directed to reducing differences between the maximum charges of the first and second electrodes of a double-layer capacitor. This is the special technical feature that the claims have in common. Furthermore, the method of claim 17 is usable to produce the double-layer capacitor of claim 1. Accordingly, Applicants submit that there is unity of invention under PCT Rules 13.1 and 13.2.

For at least the foregoing reasons, Applicants submit that the restriction is improper and should be withdrawn.

Applicants' attorney can be reached at the address shown above. All correspondence should continue be directed to Paul A. Pysner at the same address.

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Respectfully submitted,

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